

the kids, 6 million of them, who have coverage under SCHIP will lose that coverage if something is not done by the Congress of the United States. It is our purpose, given the fact that there will be a recess in this body during the month of August, to see to it that we have this measure ready for the floor in time that the business can be dealt with and that we can handle the matter in a way which will take care of these kids.

The legislation was made available to my good friend and to my Republican colleagues on the committee as soon as it could be done after the necessary discussions were held to try to frame a proper piece of legislation and to address something that responsibility of a fiscal and financial character requires, and that is to deal with the pay-fors and how we will pay for the cost of this program. We have done so, and we have arranged that the payments will be a little different than the Senate bill, but they will be sensible.

First of all, we will require that the Medicare Advantage plans pay their fair share but that they are not overpaid for the services which they are providing. Some of the less fortunate are getting 11 percent more than they are entitled to, some of the more fortunate are getting 19 percent more than they are entitled to, and some of the most fortunate are getting 30 percent more than they are entitled to. It seemed like good sense to put them in a position where they could compete honestly with the other Medicare providers, and that is what we have done. We also have a modest increase in the tobacco tax.

These are all issues which will be considered; and we offered my good friend and my Republican colleagues a chance to amend, debate, and to discuss this legislation.

I would note for the benefit of my good friend from Texas that the rules do not require hearings and that on a number of occasions on important legislation in prior Congresses during his chairmanship and that of others of my very dear friends on the Republican side, the situation was conducted in a way in which there were no hearings and which legislation was brought directly to the committee and shot to the House floor in considerable haste. We protested this, but I have to say that, given the exigencies of the situation, the needs and the circumstances and the fact that the kids are very liable to lose their health care benefits and their insurance under SCHIP, we saw fit to bring the matter up.

The House will, I hope and I think and I am informed, have this measure before us in the next little bit. We will do so with a full opportunity of everybody to debate it, to discuss where the money is coming from, what the benefits will be, and whether or not the legislation should be passed.

It is my personal feeling that we have a chance here to not only save some 6 million kids who would lose all

benefits, but under the legislation which has come out of the Ways and Means Committee and which was considered in the Committee on Energy and Commerce to cover not 6 million but 11 million kids that desperately need this, which will be important.

I conclude with an expression of affection for my friend and colleague from Texas.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BARTON of Texas. Mr. Chairman, I spoke earlier on the second degree amendment of Mr. MCHENRY. Am I allowed at this time to seek recognition to speak on the original amendment of Mr. GINGREY?

The CHAIRMAN. The gentleman is permitted to seek recognition to speak on the original amendment.

Mr. BARTON of Texas. Then, Mr. Chairman, I move to strike the requisite number of words on the Gingrey amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I would like to engage my distinguished chairman, the Honorable JOHN DINGELL of Michigan, in a colloquy, with his permission.

Mr. DINGELL. I certainly am happy to do that with my dear friend, and I express again my respect and affection for the gentleman from Texas.

Mr. BARTON of Texas. We have the utmost respect for each other, and that is sincere, and there is nothing artificial about that.

Mr. Chairman, is it not true that the bill that was marked up or attempted to be marked up in your committee last week was given to the minority at 11:36 p.m. last Tuesday evening?

POINT OF ORDER

Mr. OBEY. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin will state his point of order.

Mr. OBEY. Mr. Chairman, I thought that Members were required to be addressing the matter at hand.

The CHAIRMAN. The gentleman is correct. The Members who are recognized should confine their remarks to the issue that is being debated.

The gentleman from Texas may proceed.

Mr. BARTON of Texas. I understand the rules, Mr. Chairman. I am going to try to comply with the rules.

I support the Gingrey amendment just like I supported the McHenry amendment. I also believe that we should use as close an approximation of an open and fair process on the SCHIP reauthorization as we are using on the pending appropriations process; and I am informed by my staff that the SCHIP bill, which was 465 pages in length, was presented to minority staff at 11:36 p.m. last Tuesday evening; and I would like the distinguished chair-

man of the full Energy and Commerce Committee to indicate to me if that is a true statement.

Mr. OBEY. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OBEY. Mr. Chairman, I am perfectly willing to hear the gentlemen debate this matter when their bill is on the floor. But the last time I looked, I thought an appropriations bill was on the floor; and, just for the heck of it, I would like us to stick to the rules and consider the matter before us. We have spent 2 hours on a nonsensical, symbolic amendment that has very little relationship to the bill; and it seems to me this House is getting considerably far afield.

The CHAIRMAN. The gentleman from Wisconsin is correct. The gentleman who sought the time must confine his remarks to the pending question.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. Mr. Chairman, I understand the rules that we are operating under, and I am totally supportive of Mr. GINGREY's amendment on the Ag appropriations bill.

I listened with interest to my committee chairman, Mr. DINGELL, earlier when he rose to speak about the process in the Energy and Commerce Committee. He didn't talk about the Gingrey amendment. He didn't talk about anything dealing with the Ag appropriations. So I am simply trying to get some information from him about what he spoke of, and I think the rules of the Energy and Commerce Committee require a 36-hour advance notice, and we weren't given that 36-hour notice on that bill.

Mr. OBEY. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will suspend.

Mr. BARTON of Texas. And I think the chairman knows it.

Mr. OBEY. Point of order, Mr. Chairman. I am not under the impression that the rules of the Energy and Commerce Committee are now before the House. I am under the impression that the Agriculture appropriations bill is before the House, and it would be nice if we could focus our discussion on that.

The CHAIRMAN. The gentleman from Wisconsin stated a point of order, and he is correct. The gentleman from Texas, who has been recognized, must confine his remarks to the pending question.

The gentleman from Texas is recognized.

Mr. BARTON of Texas. I appreciate the chairman's courtesy.

Mr. Chairman, I think the majority is embarrassed to have the question answered. I think the majority knows that we were not given the bill within the 36-hour window. We weren't even given it within a 12-hour window.

Mr. OBEY. Point of order, Mr. Chairman.